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SOUTHEAST MICHIGAN BUILDING OFFICIALS AND INSPECTORS ASSOCIATION

2007-2008

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Tim Brandt
Building & Zoning
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248-685-8731

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Scott Cope
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248-846-6509

Past President
Gary Moscone
Chief Building Inspector
Charter Township of
Clinton
586-286-9323

October 4, 2007

Re: House Bills 4770-4772

Dear Honorable Commerce Committee Members,

On behalf of the 350 members of the Southeast Michigan Building Officials and Inspectors Associations (SEMBOIA) I would like to express our opposition to the Interior Design Licensing bills before the committee (HB 4770-4772). Our organizations opposition to the licensing of interior designers has often been expressed to the legislators over the past years.

It is our opinion that these bills will not protect the public health, safety and welfare and is unnecessary and potentially dangerous legislation. Currently the Licensed Design Professionals (architects and engineers) are successfully fulfilled that requirement and they have been for many years and we see no need to change or try to fix what is not broke.

Other issues that we found in the bills that are objectionable to us is the requirement that we as Building Officials would now be required to determine what work "materially (negatively) affects" the building. Almost every aspect of construction could materially affect the building; therefore we feel it would go beyond the scope and training of the interior designer. Also the "non-load bearing" partitions language is of no major consequence since most interior walls are non-load bearing but, none the less, can significantly affect the life safety systems because of fire and egress requirements to mention a few. Further, this not only puts a tremendous and unnecessary burden on all Building Officials but also the municipality they represent.

Please vote against these bills. Thank you.

Southeast Michigan Building Officials and Inspections Association

Tim Brandt, President
Building & Zoning Administrator
Milford Township, Michigan



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Troy, Michigan 48084
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www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

DATE: September 17, 2007

TO: Honorable Chairman Andy Meisner and
Members of House Committee on Commerce

RE: HB 4772

Dear Sirs:

Please excuse me for my inability to attend your hearing on September 18, 2007, on the above noted proposed legislation. Unfortunately, prior commitments in my duties with the City of Troy do not allow me to be with you in person to voice my opposition to this proposed legislation.

You may note from the "alphabet" that appears after my name that I am, for the record, a Registered Architect in the State of Michigan. However, I choose to write to you this date not as an Architect but as a Building Official charged with the task of protecting the health safety and welfare of the residents and visitors of the city for which I have worked for over 27 years. The City of Troy has the second highest assessed value in the State of Michigan second only to that of Detroit. We review and issue hundreds of building permits annually for work that may be affected by this legislation.

The primary concern that I have with the legislation is the undefined, unclear and ambiguous language and the danger that we could be putting our residents into by the potential misinterpretations that could result. In particular I am referring to Article 28 and specifically Section 2801. This Section attempts to define certain terms relating to interior design. Subsection A defines "Interior Design Services" as *services in connection with the design of interior spaces, including the preparation of design documents, relative to finishes, systems furniture, furnishings, fixtures, equipment, lighting outlets and switching, and non-load-bearing interior partitions that do not materially affect the building mechanical, structural, electrical, or fire safety systems.*

First, I am not sure what "design documents" are. The commonly used term in the industry of "construction documents" is used to identify plans, specifications and other documents from which something is constructed. If these documents are only used to "design" something, is someone else supposed to prepare the documents from which it will be built? Second,

use of term "equipment" can include a vast array of systems that are beyond the capabilities of an individual meeting the minimum requirements of licensure under this proposed Act. Is this intended to include mechanical equipment providing heating, ventilation, and air conditioning to the occupants? Is this intended to include vertical circulation equipment such as elevators and escalators? Just how much of the "switching" is intended to be included in this work? Does this include the main switchgear for a major office building?

The next provision that causes me great concern is the definition of "materially affect".

This is defined in Subsection C as an *activity that is either or both of the following:*

(i) has a substantial and negative impact on the health, safety, and welfare of the occupants of the interior space after installation of the finishes, systems furniture, furnishings, fixtures, equipment, lighting, and interior building partitions based upon placement or material composition.

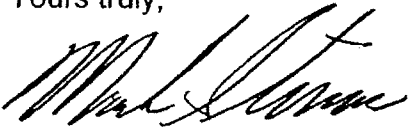
(ii) is incompatible with the applicable building code or fire safety code to such a degree that more than a minor modification of the interior design documents is needed to correct that incompatibility with the building or fire safety code.

How is the term "substantial" to be interpreted? Is it to be measured in potential injuries or deaths? Can it only be "substantial" after the facts are "substantiated" by real injuries or deaths? Why we would want to define the scope of someone's profession as one whose work is only "minutely incompatible" with the applicable building code is beyond me. Incompatibility is not a standard to be measured against, it is a violation! Once again is this judged by the potential or real injuries or by the amount of time that the plan reviewer has to take in order to explain where the problems are?

The current provisions of the interior designer's licensing act allow for them to do the things that interior designer's should be allowed to do. This scope of work includes items that do not generally require permits from the authority having jurisdiction. This is the way that it should stay. If changes are to be made certainly the currently proposed language is not the answer.

I thank you for your time, your consideration and the opportunity to have my opinion heard.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mark Stimac', written in a cursive, flowing style.

Mark Stimac, R.A., C.B.O.
Director of Building and Zoning



SAGINAW CHARTER TOWNSHIP

First Organized 1831

October 5, 2007

Andy Meisner, Bill Huizenga, Aldo Vagnozzi,
Andy Coulouris, Bert Johnson, Lee Gonzales,
Gino Polidori, George Cushingberry, Robert Jones,
Mary Valentine, Mark Meadows, Matthew Gillard,
Gabe Leland, Dudley Spade, Arlan Meekhof,
Neal Nitz, Judy Emmons, John Stahl, Glenn Steil,
Tom Pearce, John Stakoe, Rick Jones

Re: House Bills 4770-4772

Dear Honorable Commerce Committee Members,

This correspondence is pursuant to my review of the Interior Design Licensing Bills before your committee (House Bills 4770 - 4772). Please know that I stand opposed to the passage of these bills.

My 26 years of experience as a State of MI registered Building Official, Building Inspector, Mechanical Inspector, and Plan Reviewer in Saginaw Charter Township, and additionally as a Professional Engineer licensed to practice in Michigan gives me an understanding that this legislation is unnecessary and potentially dangerous to the citizens of my community and of our great State.

I believe that our purpose in serving our residents and constituents is to assure the health, safety and welfare of the people where they cannot otherwise provide for themselves. These qualities are currently provided by licensed Architects and Professional Engineers through the existing language of PA 299 - 1980 and by registered Code Officials through PA 34 - 1985.

The language of the Bills in general, and the definitions specifically, appear to be flawed and do not account for other design considerations such as type of construction, safety, fire requirements, or egress pathways.

In short, if the work performed by Interior Designers does not materially affect a building's essential systems, then there is no need to create a licensing control mechanism such as is being proposed by these bills.

I appreciate your consideration of my position and hope that you will know that a vote against these bills is a continuing step in keeping the people of Michigan safe.

Sincerely,

Matthew Remig, P.E.
Director of Community Development

4960 Shattuck Rd. • PO Box 6400 Saginaw, MI 48606-6400 Phone (989)791-6800 FAX (989)791-9815 WEB www.saginawtownship.org

ASSESSOR	791-9810	FIRE FAX - 792-6440	792-6691	POLICE DEPARTMENT	763-2310	RECREATION - TEL - 888-07 FAX - 384-1106	
BUILDING INSPECTION	791-9850	FISCAL SERVICES	791-9820	FAX - 791-8384	TDD - 791-1622	RAIN OUT - 399-1107	
FAX - 791-9859		FAX - 791-9827		PUBLIC SERVICES	791-9870	TREASURER	791-9840
CLERK FAX - 797-5360	791-9830	ZONING/CODE ENF	791-9865	FAX - 780-8211		WATER & SEWER BILLING	791-9860



Community Planning & Development

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October 3, 2007

Honorable Commerce Committee Members

Andy Meisner, Bill Huizenga, Aldo Vagnozzi,
Andy Coulouris, Bert Johnson, Lee Gonzales,
Gino Polidori, George Cushingberry, Robert Jones,
Mary Valentine, Mark Meadows, Matthew Gillard,
Gabe Leland, Dudley Spade, Arlan Meekhof,
Neal Nitz, Judy Emmons, John Stahl, Glenn Steil,
Tom Pearce, John Stakoe, Rick Jones

Re: House Bills 4770-4772

Dear Honorable Commerce Committee Members,

On behalf of myself, Robert Petrick a registered Building Inspector, Plan Reviewer and Building Official #000419 I would like to express my opposition to the Interior Design Licensing bills before the committee (HB 4770-4772). My opposition to the licensing of interior designers has been expressed to the legislators over the past years.

It is my opinion that these bills will not protect the public health, safety and welfare and is unnecessary and potentially dangerous legislation. Currently the Licensed Design Professionals (architects and engineers) are successfully fulfilled that requirement as they have been for many years and we see no need to change or try to fix what is not broke.

Other issues that I found in the bills that are objectionable to me is the requirement that I as a Building Official would now be required to determine what work "materially (negatively) affects" the building. Almost every aspect of construction could materially affect the building, therefore I feel it would go beyond the scope and training of the interior designer. Also the "non-load bearing" partitions language is of no major consequence since most interior walls are non-load bearing but none the less, can significantly affect the life safety systems because of fire and egress requirements to mention a few. Further, this not only puts a tremendous and unnecessary burden on all Building Officials but also the municipal they represent, is not very well crafted and is not very clear.

Please vote against these bills. Thank you.

Robert Petrick

Building Official
City of Kalamazoo



Community Development Department

45175 W. Ten Mile Road

Novi, MI 48375

September 14, 2007

Honorable Commerce Committee Members

Andy Meisner, Bill Huizenga, Aldo Vagnozzi,
Andy Coulouris, Bert Johnson, Lee Gonzales,
Gino Polidori, George Cushingberry, Robert Jones,
Mary Valentine, Mark Meadows, Matthew Gillard,
Gabe Leland, Dudley Spade, Arlan Meekhof,
Neal Nitz, Judy Emmons, John Stahl, Glenn Steil,
Tom Pearce, John Stakoe, Rick Jones

Re: House Bill 4772

Dear Honorable Commerce Committee Members,

I write to you to express my opposition to HB 4772 which is now before you. I am a Register Code Official / Plan Examiner in the State of Michigan (3753) and an International Code Council Certified Plan Examiner (51708-B3), and I am currently employed with the City of Novi. This proposed legislation has a direct and negative impact on my day to day code interpretation and enforcement activities.

As the process currently stands, I am required to make an objective determination as to whether a set of documents submitted for permit comply with the requirements of the applicable codes. In addition, I am required to determine whether the scope of work as reflected in those documents constitutes the practice of Architecture or Engineering such that the seal of a licensed professional is required. To a trained Code Official, both of those judgments are fortunately objectively based and relatively easy to make.

However, the current bill will add to that process a third determination which will not be quite as easy to make. Given the "materially affect" provisions of the bill, should it become law, I would also be required to evaluate each of the many systems that make up the typical submission in order to determine exactly

whether the scope of work “materially affects” life safety. While that may sound easy, in practice it will take an extensive review in order to make that determination. Worse, if my review reveals that the work does “materially affect” life safety systems, I would be required to reject the submission unless it bears the seal of a licensed professional. In that case, I presume the applicant would consult the appropriate professional, and after the necessary changes are made a re-submission would occur and the process would begin again. Thus the “materially affects” review serves no [purpose other than to determine whether the submission can be made with or without a seal in the first instance.

This principle is best illustrated by example. Say a local family restaurant (which is classified as A2 / Assembly use under the code) wishes to change its floor plan to increase capacity from 250 to 325 to accommodate karaoke or some other evening events. No structural work is contemplated and other than new light fixtures, no new mechanical or electrical work is included in the scope of work. A mere change in floor plan with updated finishes appears on the surface to fall in line with the “materially affects” language and on the surface it would appear that permitting the work to proceed without benefit of the seal of a licensed professional would be an easy determination.

Unfortunately, when the code is applied, the determination is not nearly so easy. To the contrary, those seeming simple changes implicate a number of life safety provisions;

Because occupant load now exceeds 300 persons, a full sprinkler system is likely now required. Due to the Rhode Island night club fire, that limit is expected to drop to 100 in the next edition of the code.

Full fire alarm systems will be required in the entire building, again due to the fact that the revised occupant load exceeds 300.

Due to the fact that over 300 patrons may now congregate in one space, it is necessary to perform a complete re-evaluation of the entire structural design for the entire building.

The number of toilets and lavatories must be increased. In addition, it will likely be necessary to add unisex family restroom facilities.

Indeed, it begins as a simple review of new finishes and a room layout that accommodates a marginally higher occupant load. However, when the code is applied, it becomes a substantial life safety issue.

A substantial percentage of the projects I review include only fixtures, finishes, and non-load bearing partitions. While that seems simple, those types of changes affect life safety in a number of ways that often aren't anticipated. On a weekly basis I encounter one or more of the following;

Building	Planning	Ordinance Enforcement
248-347-0415	248-347-0475	248-735-5678
248-735-5600 Fax	248-735-5633 Fax	248-735-5682 Fax

"Non-load bearing" partitions that must become fire rated exit corridors when the occupant load they serve changes - sometimes only marginally.

Door openings or other penetrations in non-load bearing partitions, even those that don't take on fire rating characteristics, nevertheless take on life safety characteristics since they fall under code requirements that address barrier free accessibility requirements.

"Non-load bearing" design changes that take on life safety characteristics because they alter the manner in which occupants can exit the building.

"Non-load bearing" design changes that alter occupant loads, which in turn require modification of the number and location of exits, the direction of door swings, and removal and replacement of existing door hardware with hardware appropriate to the new use.

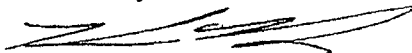
Interior fixtures and equipment that inhibit the ability of fire suppression systems to deliver water or fire fighting chemicals to enclosed spaces, or which can require the installation of fire department access doors, automatic roof smoke and heat vents, smoke curtains, and increasingly, full blown sprinkler systems.

There are countless other examples. The "materially affects" determination, which sounds so simple when read from the printed word in the bill, will in practice do little to afford the Code Official guidance or assistance. To the contrary, as almost every modification to a building affects life safety in some manner, it will complicate the series of critical life safety determinations the Code Official is already required to make. In the end, although the process will be far more difficult, final determinations may not significantly change.

As section 101.3 of the Building Code makes plain, the purpose of the Building Code is to establish minimum requirements to safeguard public health, safety and general welfare. I urge you to consider this and all proposed legislation in that light. I believe that when you do, it is apparent that the bill unnecessarily complicates the Code Official's takes without paying any affirmative benefit.

I therefore urge you to oppose the bill.

Sincerely,



Kevin Roby
City of Novi Plan Examiner

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Planning
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Ordinance Enforcement
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248-735-5682 Fax



HOLLAND CHARTER TOWNSHIP

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Phone: 616.396.2343 • Fax: 616.396.2557

RE: HB 4770-4772

September 17, 2007

Dear Honorable Commerce Committee Members:

I write to you in opposition to the above referenced house bills that are now before you. I am a registered plan reviewer, building official and building inspector in the State of Michigan. I am also certified by the International Code Council as a residential/commercial building inspector, a plan reviewer, and electrical inspector.

It is my job and my duty under the law to verify compliance with a host of laws, codes, administrative rules and local ordinances before I approve a set of plans for a construction project. The proposed bills would add the undue burden of having to determine the "material affect" of a building project. Despite meager attempts to define this term in the bill, it remains very vague and uniform enforcement throughout the state will be impossible. Conflict occurs when enforcement is inconsistent.

In addition, the proposed bill is not needed. If no life safety systems are affected by a proposed project, a permit is probably not required anyway. There seems to be an adequate supply of architects and engineers to handle all the projects that do need permits.

As noted in recent negative publicity in the Detroit newspapers, the Department of Labor and Economic Growth lacks the personnel and resources to regulate any more occupations, and given the states current budget crisis, that status is not likely to change anytime soon. It is my understanding that the DLEG opposes this bill too.

While I am not yet authorized to officially represent the views of my west Michigan building inspectors organization (METRO), most of my fellow members also oppose this bill and official notification from our organization will be forthcoming.

Please do not hesitate to contact me to discuss this matter in more detail.

Sincerely:

Mike Winkler
Building Official
Holland Charter Township
Email: mikew@hct.holland.mi.us
Ph: 616.396.0196

Co. Michigan Township Association